?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 08.05.2019
*CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

+W.P.(MD)No.11513 of 2019

#I.Rajeswari
... Petitioner

Vs

$The Tahsildar,
Madurai East Taluk,
Madurai District. ... Respondent

PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the respondent in his proceedings in Oo.Mu.No.0841/2019/A1, dated 29.04.2019 quash the same and consequently directing the respondent to issue legal heir ship certificate of Petitioner-s husband namely, K.Elangovan died on 02.11.2018 to the petitioner within time limit stipulated by this Court.

!For Petitioner : Mr.D.Selvanayagam
^For Respondent : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

:ORDER

The writ petitioner is the wife of one Elangovan. He passed away on 02.11.2018. Before, the petitioner got married to him, Elangovan was married to one Jayabharathi. But the marriage between Elangovan and Jayabharathi was dissolved, vide order, dated 13.02.2004 in H.M.O.P.No.10 of 2004, on the file of the Family Court, Madurai. The petitioner approached the respondent for issuance of legal heir certificate. The respondent declined to issue legal heir certificate, by citing the circular, dated 09.08.2017, issued by the Commissioner of Revenue Administration. The said circular states that, if the deceased is having more than one wife, the application must be moved before the Jurisdictional Civil Court. But, in this case, the first marriage was lawfully dissolved, therefore, the petitioner will not come within the prohibition laid down in the aforesaid circular, dated 09.08.2017. Hence, the impugned order is quashed and the Writ Petition is allowed.

2. However, it is made clear that in the legal heir certificate, the female child viz., Aarthi born through the first marriage will also be

shown as one of the legal heirs along the writ petitioner and the children born through the writ petitioner. In other words, the legal heir certificate will reflect the names not only the writ petitioner and the three children, but also the name of Aarthi born through Jayabharathi.

To

The Tahsildar,
Madurai East Taluk,
Madurai District.